

# EXHIBIT R

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

EQUAL EMPLOYMENT :  
OPPORTUNITY COMMISSION, :  
Plaintiff :  
 :  
and :  
 :  
KATHY C. KOCH, :  
Plaintiff-Intervenor, :  
 :  
vs. : Case No.  
 : WDQ-02-CV-648  
 :  
LA WEIGHT LOSS, :  
Defendant :

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December 21, 2005  
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Oral Deposition of MICHELE  
M. BLUM, held in the offices of Equal  
Employment Opportunity Commission, 4th  
Floor, The Bourse Building, 21 South 5th  
Street, Philadelphia, Pennsylvania  
19106, beginning at approximately  
9:52 a.m., before Ann V. Kaufmann, a  
Registered Professional Reporter,  
Certified Realtime Reporter, Approved  
Reporter of the U.S. District Court, and  
a Notary Public of the Commonwealth of  
Pennsylvania.

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ESQUIRE DEPOSITION SERVICES  
1600 John F. Kennedy Boulevard  
Four Penn Center, 12th Floor  
Philadelphia, Pennsylvania 19103  
(215) 988-9191

Michele M. Blum

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1 A. Intermittently.

2 Q. Now, what instruction were  
3 you given by Ms. Burnard regarding  
4 interviewing applicants?

5 A. What to look for, what is  
6 relevant, how to be fair, fair  
7 questioning. All aspects.

8 Q. What were you told to look  
9 for?

10 A. Energy, relevant experience  
11 in the service or sales industry coupled  
12 with genuine care and concern for our  
13 clients and service.

14 Q. And what were you told was  
15 relevant?

16 A. I don't remember.

17 Q. Were you given any manuals  
18 or guidelines to follow by Ms. Burnard?

19 A. Do you mean in writing?

20 Q. Yes.

21 A. By Ms. Burnard? No.

22 Q. Were you given any manuals  
23 or guidelines to follow by anyone at LA  
24 Weight Loss?

1 question? I'm not sure I understand it.

2 Q. Did you receive a copy of  
3 the manuals?

4 A. Yes.

5 Q. What did you do with them?

6 A. I don't remember.

7 Q. Do you know where they are  
8 now?

9 A. No, I do not.

10 Q. Do you remember the last  
11 time that you looked at it?

12 A. No, I do not.

13 Q. After receiving it, do you  
14 recall how you used it or did you use  
15 it?

16 A. Yes.

17 Q. And how did you use it?

18 A. To learn and to apply it to  
19 my position and what I was responsible  
20 for.

21 Q. And how did you apply it?

22 A. When I was first learning  
23 to interview I referred to it.

24 Q. And which section

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1 A. Yes.

2 Q. Who were you given those  
3 by?

4 A. Karen Siegel.

5 Q. And did you, in fact,  
6 follow them?

7 A. Yes.

8 Q. And when were you provided  
9 with these manuals?

10 A. In training and in the area  
11 of supervisor training.

12 Q. Okay. When was that?

13 A. My first week with the  
14 company we were a given general fair  
15 practices hiring outline. And then area  
16 supervisor basics, I don't remember when  
17 it was.

18 Q. And what were the names of  
19 the manuals or guidelines that you were  
20 given, do you recall?

21 A. I don't remember.

22 Q. Do you know where they are  
23 located now?

24 A. Can you rephrase the

1 specifically do you recall referring to?

2 A. From time to time, the  
3 entire manual.

4 Q. Do you remember the topics  
5 that were included within the manual?

6 A. Some of them.

7 Q. Okay. And can you tell us  
8 what those topics are that you remember?

9 A. Interview questions that  
10 are helpful, interview questions that  
11 should be avoided. EEO practices and  
12 policies and procedures.

13 There was some like  
14 helpful — like relevant industries, the  
15 successful people, you know, have  
16 background in these certain companies.

17 Q. Which portions did you find  
18 helpful in your interviewing?

19 A. All of them.

20 Q. Now, you said there was a  
21 listing of industries. Was that  
22 mandatory that you refer to those  
23 industries?

24 A. No.

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1 A. No, she is not.  
 2 Q. What about Carolyn?  
 3 A. No, she is not.  
 4 Q. What about Toni?  
 5 A. No, she is not.  
 6 Q. Did Toni, Carolyn, and Lisa  
 7 all have responsibility -- also have  
 8 responsibility for hiring?  
 9 A. Yes.  
 10 Q. Did you provide them with  
 11 any training on how they were to select  
 12 candidates for their markets?  
 13 A. I provided ongoing  
 14 training, as well as the company.  
 15 Q. And what type of training  
 16 did you provide to them?  
 17 A. Area supervisor basic  
 18 training, EEO training, ongoing one-on-  
 19 one role-play with interviews training,  
 20 sitting in on interviews with them. Too  
 21 many -- conference calls. Too many  
 22 trainings to list, probably.  
 23 Q. Okay. What discussions did  
 24 you have with them regarding hiring?

1 fit?  
 2 A. There was a guide. There  
 3 was a list of questions that I referred  
 4 to.  
 5 Q. Okay. Did you instruct  
 6 them to also use this guide, this list  
 7 of questions?  
 8 A. Not instruct them to only  
 9 use that list, but that that was a  
 10 helpful list to get started with.  
 11 Q. You indicated that you also  
 12 provided them with EEO training. What  
 13 type of training did you provide with  
 14 respect to EEO?  
 15 A. They were given the  
 16 policy. We were, you know, in many  
 17 different settings many different times,  
 18 either conference call meeting, one-on-  
 19 one, where we went over we have fair  
 20 hiring practices and we do not  
 21 discriminate based on anything:  
 22 religion, gender, ethnic background,  
 23 age, anything. The best person gets the  
 24 job.

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1 What instructions did you provide to  
 2 them with respect to hiring?  
 3 A. The same that I was given:  
 4 Be fair, ask these questions, make sure  
 5 you don't ask certain questions. I just  
 6 wanted them to be educated on, you know,  
 7 what was not appropriate. They were  
 8 very good studies.  
 9 Q. Okay.  
 10 A. You know, basic stuff.  
 11 Like act quickly or the applicant will  
 12 find another position or grab another  
 13 offer.  
 14 Just everything from basic  
 15 the process of hiring to what questions  
 16 to ask to get information that might  
 17 lead you to know if this person is a fit  
 18 for us.  
 19 (Ms. Siegel left the  
 20 deposition room.)  
 21 BY MS. SPICER:  
 22 Q. And what questions did you  
 23 suggest to them they should ask to  
 24 determine whether someone is a proper

1 Q. What did you specifically  
 2 train the area supervisors on with  
 3 respect to EEO training? You said that  
 4 you provided them with training.  
 5 A. Yeah.  
 6 Q. What did you specifically  
 7 train them on?  
 8 A. Reading over that policy  
 9 and making sure they understood it.  
 10 Q. Did you discuss the policy  
 11 with them?  
 12 A. Sure.  
 13 Q. Did you do any role-playing  
 14 with respect to EEO issues?  
 15 A. Yes. Just in certain  
 16 questions or what not -- as it relates  
 17 to what questions not to ask.  
 18 Q. Did you do anything else  
 19 with respect to providing them training  
 20 on the EEO issues?  
 21 A. Conference calls relating  
 22 to hiring and -- they had conference  
 23 calls with the company, they had area  
 24 supervisor basics with the company.

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1 Otherwise you can answer.  
 2 THE WITNESS: I'm not sure  
 3 if I understand you to mean including  
 4 the written comments you just referenced  
 5 or -- because it looks like someone said  
 6 he had poor communication skills when  
 7 they called him.  
 8 BY MS. SPICER:  
 9 Q. I'm asking regarding the  
 10 experience that's listed there.  
 11 A. Okay. I don't know -- it  
 12 looked like to me he had a lot of jobs  
 13 in a short amount of time. Like perhaps  
 14 he hadn't held any jobs for any length  
 15 of time, except for the High Altitude in  
 16 Vermont.  
 17 The two most recent  
 18 positions are sketchy, because I don't  
 19 know when Abercrombie & Fitch -- I don't  
 20 know when the present is. I'm not  
 21 sure. It says October 2002 to now, but  
 22 I don't know when now is, based on these  
 23 documents.  
 24 Q. Doesn't now or present

1 comfortable answering that.  
 2 Q. Now, Ms. Blum, as an  
 3 employee of LA Weight Loss, have you  
 4 ever received any training on EEO  
 5 antidiscrimination issues?  
 6 A. Yes.  
 7 Q. When did you receive this  
 8 training?  
 9 A. I can't recall. Many, many  
 10 occasions in the forms of meetings,  
 11 written materials, conference calls,  
 12 supervisor basic training conferences  
 13 where we go to a conference and we're  
 14 trained on hiring issues and EEO.  
 15 Q. On average how many such  
 16 trainings would you say that you have  
 17 attended?  
 18 MS. AUSTIN: Objection to  
 19 the form of the question.  
 20 THE WITNESS: I don't know.  
 21 BY MS. SPICER:  
 22 Q. Do you recall where the  
 23 trainings were?  
 24 A. Some of them.

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1 usually refer to at the time the person  
 2 has created the resume?  
 3 A. Yeah, but you are asking me  
 4 if anything would disqualify him and I  
 5 don't know when he submitted this resume  
 6 because I don't remember him.  
 7 And then the next one down  
 8 just says September 1. It doesn't say  
 9 if that is when he started, that is when  
 10 he finished, if he was still there. I'm  
 11 not sure about the second position.  
 12 And then other than that,  
 13 it looks like he was involved in retail  
 14 pool supplies or something.  
 15 Again, I'm uncomfortable  
 16 with this question because I'd have to  
 17 meet him or talk to him on the phone or  
 18 tell you if anything excluded him or  
 19 enhanced his chances of employment  
 20 because I don't -- I don't know what  
 21 position he is applying for.  
 22 I don't know. I don't know  
 23 anything. I know very little. So  
 24 without a phone screen, I'm not

1 Q. Okay. Tell me the ones  
 2 that you remember, where they were.  
 3 A. Employee conferences. I  
 4 don't know the exact destination of the  
 5 conference; we've had many. Conference  
 6 calls that I have been a participant on.  
 7 Area supervisor basics in  
 8 Horsham, Pennsylvania, that one I know.  
 9 And many, many other times and trainings  
 10 and references to EEO practices and  
 11 procedures from my supervisor, HR  
 12 constantly.  
 13 Q. Can you describe for me  
 14 what the content of the instruction was,  
 15 what the content of the training was?  
 16 A. The content of the  
 17 instruction is that we will not tolerate  
 18 anything but fair hiring practices. We  
 19 do not discriminate based on age, race,  
 20 sex, ethnic origin, gender, ethnic  
 21 background.  
 22 I can't even think of all  
 23 of the subjects right now. But that we  
 24 hire fair and the best person gets the

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1 position, the most qualified person for  
2 that position gets it.

3 Q. And how much time was spent  
4 at each of these trainings on that  
5 topic?

6 A. I think it's fair to say  
7 the first part of the meeting or the  
8 first part of the conference call or the  
9 first part of whatever the subject was  
10 in hiring that day.

11 Q. How long would the  
12 conference calls usually last?

13 MS. AUSTIN: Objection to  
14 the form of the question.

15 THE WITNESS: I can't  
16 speculate.

17 BY MS. SPICER:

18 Q. Okay. How many minutes of  
19 the conference call was devoted to EEO  
20 issues?

21 A. I didn't time it.

22 Q. And when you attended the  
23 area supervisor basic training, how much  
24 time of that training was devoted to EEO

1 Q. Okay.

2 A. The people in HR walked  
3 around and listened to our questions to  
4 make sure that we were asking them or  
5 proposing them the right way.

6 Q. Now, what portion of the  
7 role-play was specifically the topic was  
8 EEO issues?

9 A. I think we hit on most  
10 issues. I think we -- in this  
11 instance -- I can't remember. There  
12 were several different issues role-  
13 played, so I'm not sure exactly which  
14 one. Maybe we did one of each. Maybe  
15 we did four out of eight; I have no way  
16 of knowing.

17 Q. Do you remember what the  
18 role-play situation was that was part of  
19 the training that dealt with EEO issues?

20 A. I don't understand that  
21 question.

22 Q. You said that there were a  
23 number of role-playing that were done.  
24 Do you remember what the issues were in

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1 issues?

2 A. I don't know exactly how  
3 much time was devoted to EEO issues,  
4 although I do know one out of the whole  
5 five days was dedicated to hiring and  
6 hiring practices and procedures and our  
7 policies regarding it, and that was like  
8 basically a whole day; and I would say a  
9 good portion of that day.

10 Q. Okay. And during the  
11 course of that day, what was discussed  
12 regarding EEO issues?

13 A. Again, fair hiring  
14 practices, that we will not tolerate  
15 unfair hiring or, you know, the best  
16 qualified person gets the position.  
17 What questions that would be recommended  
18 to ask. What questions we never ask,  
19 which questions would be inappropriate,  
20 as I stated early this morning.

21 We role-played interviewing  
22 and questioning situations, situational  
23 questions with a partner at our training  
24 table.

1 each of the role-plays?

2 A. I would be speculating.

3 Q. Did any of the role-plays  
4 deal with diversity issues?

5 A. The role-plays, as I  
6 remember them, were ask your partner  
7 questions and if there's something  
8 inappropriate, you pick out the wrong  
9 question; okay?

10 Q. So the role-plays were  
11 regarding what questions are appropriate  
12 and not appropriate?

13 A. Right.

14 Q. Not specifically with  
15 respect to any EEO issues?

16 MS. AUSTIN: Objection to  
17 the form of the question.

18 THE WITNESS: No, they all  
19 related to EEO issues, what questions  
20 were inappropriate to ask based on these  
21 issues.

22 BY MS. SPICER:

23 Q. Okay. Well, my question is  
24 not just on what's appropriate questions

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1 or what's not appropriate questions.  
 2 Were there any discussions  
 3 or role-play regarding any issues of  
 4 harassment?  
 5 A. Absolutely.  
 6 Q. And what was the role-play  
 7 specifically with respect to harassment?  
 8 A. Can't remember.  
 9 Q. Was there any role-play on  
 10 any other specific issue that is –  
 11 A. Retaliation.  
 12 Q. Okay. And what  
 13 specifically was the role-play on  
 14 retaliation?  
 15 A. I can't remember.  
 16 Q. What were you told  
 17 regarding retaliation?  
 18 A. We don't tolerate it.  
 19 Q. What does it mean?  
 20 A. It means if an employee has  
 21 a situation that they feel they brought  
 22 to our attention and then for some  
 23 reason down the line they are  
 24 disciplined for performance or something

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1 else, they could view it as it is  
 2 because they brought that situation into  
 3 light.  
 4 Q. Okay.  
 5 A. Or it could be many  
 6 different things. It could be many  
 7 different things. Retaliation could be  
 8 regarded as a result of many different  
 9 issues in the workplace.  
 10 Q. Now, what specifically were  
 11 you told that retaliation dealt with  
 12 with respect to EEO issues?  
 13 A. I can't remember the  
 14 specific example.  
 15 Q. Now, do you have an  
 16 independent understanding today as to  
 17 what retaliation applies to with respect  
 18 to EEO issues, what the definition of  
 19 retaliation would be in that situation?  
 20 MS. AUSTIN: Object to the  
 21 form of the question to the extent it  
 22 calls for a legal conclusion.  
 23 BY MS. SPICER:  
 24 Q. Do you understand my

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1 question?  
 2 A. No, I do not.  
 3 Q. Do you understand what the  
 4 definition of retaliation is in the form  
 5 of antidiscrimination, in the context of  
 6 antidiscrimination?  
 7 A. I don't understand your  
 8 question still.  
 9 Q. Okay. Do you know what the  
 10 definition of retaliation is under the  
 11 antidiscrimination laws?  
 12 MS. AUSTIN: Same objection.  
 13 You can answer.  
 14 THE WITNESS: I still am not  
 15 clear what your question is.  
 16 BY MS. SPICER:  
 17 Q. Has anyone ever told you  
 18 what the definition of retaliation is  
 19 with respect to antidiscrimination laws?  
 20 A. Yes.  
 21 Q. And who gave you that? Who  
 22 told you that definition?  
 23 A. Karen Siegel.  
 24 Q. What did Ms. Siegel tell

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1 you was the definition of retaliation  
 2 under the antidiscrimination laws?  
 3 A. She handed me a piece of  
 4 paper and the definition was on it and  
 5 we read it aloud in a class.  
 6 Q. What was the definition?  
 7 A. I just answered that  
 8 question earlier. Like I said earlier,  
 9 retaliation would be to punish an  
 10 employee for bringing a situation to  
 11 light. It could be many different  
 12 things. It could be –  
 13 Q. Okay.  
 14 MS. AUSTIN: Please let her  
 15 finish answering the question.  
 16 BY MS. SPICER:  
 17 Q. What kind of situation are  
 18 you referring to? I'm sorry. Maybe I'm  
 19 having –  
 20 A. I don't know because I  
 21 don't know what kind of situation you  
 22 are referring to. There's so many  
 23 different situations. You are asking me  
 24 for a definition that's clear-cut and

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1 taught that day or being refreshed or  
2 reviewed with that day, we would get a  
3 copy of a participant workbook.

4 Q. Did you maintain a copy of  
5 that?

6 A. No.  
7 (Below-described document  
8 marked as Blum Exhibit 25.)

9 BY MS. SPICER:

10 Q. Ms. Blum, do you recognize  
11 this document?

12 A. Yes, I do.

13 Q. Did you receive a copy of  
14 this document?

15 A. Yes, I have.

16 Q. And did you maintain a copy  
17 of this document?

18 A. No, I have not.

19 Q. Do you recall when you  
20 received a copy of this document?

21 A. I can't remember.

22 Q. Turning to Page 5 of this  
23 document – I'm not going to use the  
24 Bates stamp number. I think I will use

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1 the actual numbers of the document; I  
2 think that would be easier.

3 A. Right here; right?

4 Q. Yes. Where it talks about  
5 where to recruit and scout new  
6 employees.

7 A. Uh-huh.

8 Q. Now, was this list a  
9 mandatory list to use?

10 A. No, it was not.

11 Q. It was a suggested list?

12 A. Yes. I mean I wouldn't  
13 even say suggested. It was just a  
14 reference.

15 Q. On Page 9 there is a  
16 referral log listed there. Do you see  
17 that?

18 A. Uh-huh.

19 Q. Did you ever use this log?

20 A. No, I have not.

21 Q. Turn to Page 21, please.

22 You see the prescreening, preinterview  
23 screening?

24 A. Uh-huh.

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1 Q. When you were responsible  
2 for screening candidates, did you use  
3 this document, this form?

4 A. When I called the phone  
5 line – no, I did not.

6 Q. Looking at Page 22, which  
7 is another prescreening form, when you  
8 were responsible for screening  
9 applicants, did you use this form?

10 A. No, I did not.

11 Q. Turning to Page 26, there's  
12 a form there Selection Interview Guide.  
13 Did you ever use this form?

14 A. Never for practical  
15 purposes; only for training purposes.

16 Q. Turning to Page 29, there's  
17 a form here for first interview  
18 questions for center managers and  
19 assistant managers. Did you ever use  
20 this format?

21 A. I used this sheet for  
22 training purposes and suggesting  
23 questions. I have never taken notes  
24 during an interview, so I don't –

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1 unless it is a phone interview, so I  
2 don't -- I would never typically use  
3 this.

4 Q. Would it be fair to say  
5 with the remainder of the guides, the  
6 forms that are listed in this document,  
7 that you did not use those in conducting  
8 interviews?

9 A. I would have to see all the  
10 documents before I could say that.

11 Q. Okay. Take a minute to  
12 look at them and then tell me if there  
13 were any of those interview forms that  
14 you used.

15 MS. AUSTIN: By "used" are  
16 you referring to other than for training  
17 purposes?

18 MS. SPICER: Yes, other than  
19 for training purposes.

20 THE WITNESS: The LA Weight  
21 Loss Interview Guide Answers.

22 BY MS. SPICER:

23 Q. What page are you referring  
24 to?

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1 A. 33. I used that as a  
2 reference at times, or used to.  
3 Q. Do you recall when it was  
4 that you used that?  
5 A. No, I can't remember.  
6 Q. Do you recall for what  
7 positions you were using this as a  
8 guide?  
9 A. Center managers and  
10 assistant managers.  
11 Q. Did you ever select center  
12 managers and assistant managers without  
13 referring to this guide?  
14 A. That guide wasn't always in  
15 existence, so I'm not sure what you mean  
16 by that.  
17 Q. Since the existence of this  
18 guide have you ever selected anyone for  
19 a center manager or assistant manager  
20 without referring to this guide?  
21 A. Yes.  
22 New Hire Information Roster.  
23 Q. What page are you –  
24 A. That's more of a training

1 Q. When did you receive a copy  
2 of this document?  
3 A. Pieces of this document at  
4 different times throughout my employment  
5 as well as when it was updated different  
6 times. I can't remember.  
7 Q. Do you recall who gave you  
8 a copy of this document?  
9 A. Human Resources.  
10 Q. Did you have any  
11 discussions with anyone at Human  
12 Resources regarding this document, How  
13 to Build a Winning Team?  
14 A. I can't remember.  
15 Q. Did you receive any  
16 training on this document?  
17 A. I believe this was a  
18 training, this piece of the document was  
19 a training. I can't recall.  
20 Q. Did you maintain a copy of  
21 it?  
22 A. No, I did not.  
23 Q. Do you remember what you  
24 did with your copy?

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1 or of a –  
2 Q. What page?  
3 MS. AUSTIN: Page 42.  
4 THE WITNESS: I'm sorry.  
5 MS. SPICER: Thank you.  
6 THE WITNESS: That was for  
7 basically training purposes, so scratch  
8 that. I apologize.  
9 (Below-described document  
10 marked as Blum Exhibit 26.)  
11 BY MS. SPICER:  
12 Q. Ms. Blum, do you recognize  
13 this document?  
14 A. Yes, I do.  
15 Q. Did you receive a copy of  
16 this document?  
17 A. You are going to have to  
18 give me a minute for that one or I would  
19 be speculating.  
20 Q. Okay.  
21 A. (Witness reviews document.)  
22 I'm so sorry.  
23 Q. Take your time.  
24 A. Yes, I did.

1 A. No, I don't.  
2 Q. Did you ever refer to this  
3 document when it was in your possession  
4 when you were hiring or screening  
5 applicants for employment?  
6 A. Can you rephrase the  
7 question? I don't understand it.  
8 Q. When this document was in  
9 your possession, did you ever use it as  
10 a guide when you were screening or  
11 hiring applicants for employment at LA  
12 Weight Loss?  
13 A. I read the information. I  
14 didn't use it for practical purposes  
15 during interviews. I read it.  
16 Q. Were you instructed that  
17 you were supposed to use it as a  
18 practical guide?  
19 A. It was a tool. It was  
20 provided as a tool, and I can't  
21 remember.  
22 Q. Now, Ms. Blum, do you have  
23 an opinion as to whether women make  
24 better employees for LA Weight Loss?

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